

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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WAYMO LLC,

Plaintiff,

vs.

No. 3:17-cv-00939-WHA

UBER TECHNOLOGIES, INC.;

OTTOMOTTO LLC; OTTO TRUCKING,
INC.,

Defendants.

_____/

HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF KEVIN FAULKNER

VOLUME II

SAN FRANCISCO, CALIFORNIA

THURSDAY, SEPTEMBER 28, 2017

REPORTED BY:

ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR ~

CSR LICENSE NO. 9830

JOB NO. 2714984

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1 devices. But when I say "personal computers," I mean 09:38

2 Uber computers, for the most part. 09:39

3 Q I appreciate that. 09:39

4 So I think -- does the term "Uber-issued 09:39

5 computers" work for us? 09:39

6 A That works. 09:39

7 Q Okay. So work computers issued by Uber, 09:39

8 including desktops and laptops? 09:39

9 A Yes. 09:39

10 Q And I'm sorry if I missed it. Did you search 09:39

11 any personal computers, meaning, computers belonging 09:39

12 to the individuals not issued by Uber? 09:39

13 A Yes. 09:39

14 Q What computers were those? 09:39

15 A The first ones that jump to mind are -- there 09:39

16 were some searches run on the personal computers of 09:39

17 Anthony Levandowski, and the results of that search 09:39

18 performed by his counsel provided to us. 09:39

19 There was also a CrashPlan, which is a brand 09:39

20 of computer backup, of one of Mr. Levandowski's 09:39

21 personal computers which we identified on Uber's 09:39

22 systems. So we searched that data as well. 09:39

23 I'm trying to remember if there are any other 09:40

24 personal computers for other custodians. I would have 09:40

25 to refer back to my list to be sure. Nothing jumps to 09:40

1 450K total, 450,000, roughly. 13:39

2 Q Yeah. 13:39

3 A So that may be an approximation of what ended 13:39

4 up in the review platform. 13:39

5 Q Okay. So possibly an approximation of how 13:39

6 much ended up in the review platform is the roughly 13:39

7 500,000 that we see at Exhibit 7; correct? 13:39

8 A I believe so. 13:39

9 Q But we're not sure about that? 13:39

10 A I'm not completely sure, no. 13:39

11 Q Okay. So regardless of the number, tell me 13:39

12 what happened once the documents went into the review 13:39

13 database. 13:40

14 What were the next steps that your team took? 13:40

15 A There was a team of contract reviewers. I 13:40

16 think -- I believe they're from hired counsel, who 13:40

17 went through and reviewed documents in the review 13:40

18 database, looking for anything potentially relevant 13:40

19 and responsive. 13:40

20 There -- again, there were a lot of moving 13:40

21 pieces here. And some of it was produced directly 13:40

22 without review. 13:40

23 Some of it was in a separate review database 13:40

24 which I think held e-mail which was made available for 13:40

25 Waymo and their counsel to review, you know, without 13:40

1 the -- you know, without the limitation. 13:40

2 And then there was the main review database 13:40

3 we've been talking about which they reviewed. Some 13:40

4 files were marked as responsive and produced. The 13:40

5 other files that were marked nonresponsive were kept 13:40

6 in the database and made available for review but not 13:41

7 actually produced, I believe. 13:41

8 Q What were the contract attorneys told to mark 13:41

9 as responsive? 13:41

10 A I don't know the -- all the details of the 13:41

11 kind of coding book or, you know, what they -- they 13:41

12 would and wouldn't mark as responsive. 13:41

13 But either way, the whole set of data was 13:41

14 made available to Waymo and its counsel. 13:41

15 Q Do you know whether any of the contract 13:41

16 attorneys had any preexisting knowledge of LiDAR or 13:41

17 self-driving technology? 13:41

18 A I don't. 13:41

19 Q They weren't screened for knowledge of LiDAR 13:41

20 or self-driving technology; correct? 13:41

21 A I don't know. 13:41

22 But again, ultimately, it wasn't -- it didn't 13:41

23 seem to be a concern to me, for a couple of reasons. 13:41

24 One, anything that looked like LiDAR 13:41

25 technology was produced. And ultimately, anything 13:42

1 CERTIFICATE OF REPORTER

2
3 I, ANDREA M. IGNACIO, hereby certify that the
4 witness in the foregoing deposition was by me duly
5 sworn to tell the truth, the whole truth, and nothing
6 but the truth in the within-entitled cause;

7 That said deposition was taken in shorthand
8 by me, a disinterested person, at the time and place
9 therein stated, and that the testimony of the said
10 witness was thereafter reduced to typewriting, by
11 computer, under my direction and supervision;

12 That before completion of the deposition,
13 review of the transcript [] was [x] was not
14 requested. If requested, any changes made by the
15 deponent (and provided to the reporter) during the
16 period allowed are appended hereto.

17 I further certify that I am not of counsel or
18 attorney for either or any of the parties to the said
19 deposition, nor in any way interested in the event of
20 this cause, and that I am not related to any of the
21 parties thereto.

22 Dated: September 29, 2017
23
24
25

<%signature%>

ANDREA M. IGNACIO,

RPR, CRR, CCRR, CLR, CSR No. 9830